

0/22/09 Tuesday Afternoon, I (Rudy Lopez) was telling
 my team that I would be out for surgery on the 28th,
 29, and 30th, and Henry C. was to handle any
 issue or problem while I was gone. Jose Garza
 got upset with this and began cursing, he said
 in Spanish "How the fuck are you going to leave
 Henry in charge! That's Bullshit." and I was
 only doing it because I was friends with
 Henry. And Kevin was my friend and that's
 Bullshit." He said He was going to talk to
 Anirban. I told him to calm down and if
 he had a issue to talk to Kevin. At that
 time he became more up set. telling me.
 "That I'm wrong for what I was doing and
 cursing a lot in Spanish". I went to talk to
 Kevin and let him know about what was
 going on. At time Jose Garza was looking
 for Anirban, and found Jack. Myself and
 Kevin walked over to Jose and Jack. Jose
 was still upset and began cursing again. He
 said. "I was a liar and I talk a lot of
 shit". "And Kevin was wrong for writing
 him up in July sometime." He was very upset
 and cursing. He made several comments in the
 past about "They will never fire me here at
 N.O.V." and that he had more experience in
 Drawworks than Kevin.

Jose Garza left with a 36" pipe wrench, N.O.V.
 drill bits, N.O.V. BRASS BARS, AND SEVERAL OTHER
 tools.



At about 3:30PM on Tuesday, October 27, 2009 Jose Garza stopped me on the shop floor and demanded that he be moved from draw works assembly over to mud pump assembly. He stated that he could not work with those people any longer. I replied that we have no need for more assemblers in mud pumps or overhead equipment. Kevin Warren and Rudy Lopez walked up and Kevin asked Mr. Garza what is the problem. He stated that Rudy had been telling lies about him and he was not comfortable working with Steve Hunt. As far as I know Rudy had not said anything about Mr. Garza and Steve was okay working with him. Mr. Garza began shaking his finger in mine and Kevin's face saying he wanted to be moved to another group. I told him again that we had no other position and that he would remain with his team. Kevin told Mr. Garza to stop causing problems and to go back to work. Mr. Garza became furious and started shaking his finger in our faces again. At that point we asked him to join us at the office of Bill Butler. He was suspended for the remainder of that day and the following day, while decisions were made as to what to do about his attitude and his prior acts of insubordination.

Jack Landis

NOV-JSG 000131

Butler, Bill

From: Butler, Bill
Sent: Wednesday, October 28, 2009 2:43 PM
To: Cheatham, Gina
Cc: Herrera, Gloria J.; Carr, Sebrina M.
Subject: JOSE S. GARZA

Gina,

I am terminating Jose S. Garza (HCM# 120723) effective today in HCM with the last work day showing Tuesday, October 27. So far he has worked 10 hours on Monday (10/26) and 10 hours on Tuesday (10/27). He also has earned 19 vacation hours this year that he has not been paid for. Do I go ahead and report his hours worked this week (20 hours total) in OTL and submit; wait until Monday when we submit the rest of the department in OTL; or do you handle this differently? Please let me know how you want me to handle this.

Thanks,

Bill Butler
Human Resources Manager
National Oilwell Varco
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Houston, TX, 77041
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Tracking:

Kevin Warren Statement Concerning Conversation with Jose S. Garza

October, 29 2009

On Tuesday October 27 2009 I was approached in my office by Jose Garza asking when he was going to be moved to another team in the shop. Jose had came to me a few weeks before and asked me to be moved. I told him that I was not going to move anyone in the shop until all employees were back to work. I had at the time one employee out for medical leave. When Jose came into my office and asked to be moved he stated that the employee who had been out was now back and wanted to know when he was going to be moved. I told José that at this time he was not going to be moved until I had time to talk to my supervisor more about the arrangements of people in the shop. He then shook his head and walked out of my office. A few hours later I was approached in the shop area by Rudy Lopez wanting to discuss some issues with Jose Garza that had just occurred earlier. Rudy stated that he told his team that he would not be in to work the next day because he had a doctor's appointment. He told his team that Enrique Castellanos would be in charge during his absence. He told them that if they needed anything to get with Enrique and let him know and then he would let Kevin know. Rudy stated that when José heard this he got upset and said that he would not answer to Enrique. He then stated that he had more experience than anybody on his team and that he should be the one in charge. Also that if he needed anything that he would go to Anirban and get what he needed. Rudy stated that when José said this it was time to talk to me about this and let me know what he said. I then told Rudy that I was going to talk to José at this time. When I turned around to go confront José about the situation I saw him talking to Jack Landis at the other end of the shop. I walked up to José and asked him what seemed to be the problem. He said that there was no problem and what was I talking about. I told José what Rudy had told me and asked him if he had a problem reporting to Enrique or if he had said anything about him having more experience than his team or about saying anything about going to Anirban for anything. He then started to call Rudy a liar and asked him to quit lying about everything. At this time I told Jose that he had two choices, one to be quiet and get back to work and to quit causing problems amongst his team or he could leave NOV. José kept calling Rudy a liar and bringing up past occurrences and would not be quiet and get back to work. At this time I had enough and told him that we were going into Bill Butler's office to finish our discussion. When we got into Bill's office, I informed Bill what was going on and what was said. Bill told Jose that he could do what I told him to do or leave the facility. Jose kept arguing and demanding paperwork from Bill. At this time I informed Bill that it was best to end José's employment with NOV. Bill told José to step out of his office for just a few minutes. Bill went and got Anirban to discuss the situation. Anirban, Bill, Jack and myself then discussed everything and decided to suspend him for the rest of the day and the next day until a decision could be made about Jose's future at NOV. Jose then demanded some form of paperwork stating that he was being suspended. Bill told him that at this time he had no paperwork to give him. I then escorted José to his tool box to lock it and then to the break room to gather up some of his personal belongings and then to the door where he then got into his truck and left.

Kevin Warren

K. Warren 10-27-09

NOV-JSG 000132

October 30, 2009

On Tuesday, October 27, 2009 Kevin Warren, Jack Landis, and Jose Garza came to my office at approximately 3:45 pm. Kevin Warren stated that Mr. Garza would not do the work task that he was assigned. Mr. Garza stated that Kevin had told him "to quit standing around and pick up a broom and sweep his area of trash." Mr. Garza said that he had finished all of his work that he had been assigned and that he did not have anything to do. Kevin then said "Jose anytime you finish your assigned work task, instead of standing around and doing nothing, pick up a broom and sweep your work area." Mr. Garza said that he did not like to use a broom and said that he wanted to transfer to a different work area. Kevin told Jose that he may move him to another crew; but it would not be done today. Jose said "Well send me home then!" Kevin stated "Jose you need to go back to work and keep your mouth shut and quit causing problems or you need to go home." I asked Jose to step out of the office and asked Anirban Banerjee to come to my office. We basically told Anirban what had happened and what was said. Anirban told me to suspend Jose for the rest of the afternoon and the next day until we have had a chance to speak to Jeff Dodd (Rig Solution's HR Director) about what to do with Jose and his history of insubordination towards his supervisor(s). I then brought Jose back to my office (with Kevin and Jack still present) and told him that he was being verbally suspended for the rest of today and tomorrow until we spoke to the Corporate HR office on what type of discipline should occur. Jose said "I will be here at work tomorrow morning." I reminded Jose that he was suspended and if he showed up that he would not be able to work until we got a final resolution from Corporate HR. I asked Jose for a phone number that he could be reached at the next afternoon and I would notify him of the Corporate decision and if and when he could return to work. Kevin then left the office with Mr. Garza.

The next day (Kevin, Jack, Anirban and I) had a conference call with Jeff Dodd to discuss this matter. It was decided that with the several instances documenting "insubordination" in the past and Mr. Garza had never corrected his "disruptive behavior" that employment termination was appropriate. I got Kevin and called Mr. Garza at the phone number he had provided (there was no answer but my other phone line rang and it was Jose.) I told Jose that the decision was made to terminate his employment due to "insubordination". Jose said that he wanted a copy of his termination so he could file for unemployment benefits. I told Jose that he did not need a copy of his termination to take to the unemployment office. I told Jose that company policy requires "terminated employees" to pick up their personal property (i.e. tool boxes; personal clothes, etc.) anytime Monday through Friday between the hours of 8 am and 4 pm. I asked Jose when he would like to come get his tool box and he said that he did not know. I asked Jose to call before he came so we could have another employer help with the loading of his tool box.

Bill Butler

NOV-JSG 000134

 STATEMENT CONCERNING JOSE GARZA (11/02/09)

On Tuesday afternoon (10/27/09) I was telling my team that I would be out for eye surgery and would probably be out for the remainder of the week. I told them that Enrique Castellanos was to handle any issue or problem, while I was gone. Jose Garza became upset and began cussing (he said in Spanish "How the fuck are you going to leave Enrique in charge? That's bullshit! You are only doing it because you and Enrique are friends, you are friend of Kevin and that is bullshit. I am going to go talk to Anirban about it.")

I told Jose to calm down and if he had any issues to go talk to Kevin. At that time he became more upset stating in Spanish "You are wrong for you are doing!" I walked over to Kevin to inform him of what had just happened. At that time Jose was looking for Anirban and saw Jack, Kevin, and I was talking and then we walked over to Jose. Jose was still very upset and began cussing in Spanish again and said "I was a liar and that I talk a lot of shit. Kevin, you were wrong to write me up in July and I have more experience than any of you.

Jose Garza has made several comments in the past that "He would never get terminated from NOV because he has been written up several times and NOV never did anything about his write-ups." Jose Garza also picked up his tool box on Friday (10/30) when I was still off due to my eye surgery. I know that he took a 36" pipe wrench, dill bits, brass bars, and several other tools that were NOV company property.